
**Select Committee on Hood Canal
Committee**

HB 2097

Brief Description: Establishing a management program for Hood Canal rehabilitation.

Sponsors: Representatives Eickmeyer, Upthegrove, Hunt, B. Sullivan, Chase, Ericks, McCoy, Hunter, Pettigrew and Appleton.

Brief Summary of Bill

- Establishes a program to manage Hood Canal rehabilitation efforts and activities.
- Creates a management board to coordinate program activities and funding.
- Specifies the management board's responsibilities and authorities.
- Requires the management board to submit quarterly reports to the participating counties, tribes, and agencies and an annual report to the Legislature.

Hearing Date: 2/22/05

Staff: Caroleen Dineen (786-7156).

Background:

Hood Canal is a glacier-carved fjord approximately 60 miles in length with approximately 180 miles of shoreline. Portions of Hood Canal have had low dissolved oxygen concentrations for many years. The University of Washington recorded low dissolved oxygen concentrations in the 1950s. In recent years, low dissolved oxygen concentration conditions and significant fish death events have been recorded on Hood Canal. The 2004 dissolved oxygen concentrations in southern Hood Canal were the lowest recorded concentrations for the water body.

The Puget Sound Action Team (PSAT) is a state agency that develops and coordinates water quality programs in Puget Sound. The Hood Canal Coordinating Council (HCCC) is a group of county and tribal governments established to address water quality problems and natural resource issues in the Hood Canal watershed. In May 2004 the PSAT and HCCC prepared a report - the *Preliminary Assessment and Corrective Plan*(PACA) - assessing sources of nitrogen introduced into Hood Canal. The PACA identifies six major categories of human-influenced nitrogen sources for Hood Canal and specifies recommendations for corrective actions for these categories.

Research and monitoring related to Hood Canal's low dissolved oxygen concentrations is being conducted. The Department of Ecology's marine waters monitoring program and the University of Washington's Puget Sound Regional Synthesis Model (PRISM) program involve testing at numerous Hood Canal stations. In addition, Hood Canal monitoring and research are being conducted by the United States Geological Survey and various local agencies and organizations. Further, a group of 20 federal, state, local, and tribal agencies and nonprofit organizations have established the Hood Canal Dissolved Oxygen Program (HCDOP), a three-year effort to coordinate Hood Canal monitoring, analysis, and modeling results.

Summary of Bill:

A Hood Canal rehabilitation program is established. The program is created in Jefferson, Kitsap, and Mason Counties within the area designated as Aquatic Rehabilitation Zone One in legislation authorizing the establishment of aquatic rehabilitation zones (ARZs) [HB 2081]. This area includes watersheds that drain into Hood Canal south of the line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

A management board is established for the Hood Canal rehabilitation program. The management board serves as the program manager and is responsible for coordinating efforts and implementing actions to address and resolve Hood Canal's low dissolved oxygen concentrations. The management board is authorized to receive and disburse program funds. The management board consists of the following members, selected by their respective governing bodies:

- one county commissioner from each of the three participating counties;
- one tribal council member from the Skokomish tribe; and
- one tribal council member from the Port Gamble S'Kallam tribe.

The management board may be established either through an existing entity that meets these requirements or as a new entity. The chair of the management board is to be selected by the board members. Vacancies are to be filled in the same manner as initial appointments.

The management board must solicit participation by state and federal agencies with expertise related to rehabilitation program activities. Participating agency representatives may be included as nonvoting board members or may be appointed to a technical advisory committee. The management board may appoint additional persons to a technical advisory committee as needed.

The management board's responsibilities are specified. The management board must participate in the development of the rehabilitation program. The management board also must prioritize (as appropriate) and approve projects, studies, and activities for the program and coordinate local government efforts relating to the program. In addition, the management board must establish funding criteria based on a proposal's likely value in addressing and resolving Hood Canal's low dissolved oxygen concentrations. Further, the management board is required to submit a quarterly progress report to the participating counties, tribes, and state agencies and to submit an annual report to the appropriate committees of the Legislature. To fulfill these responsibilities, the management board may have staff; enter into contracts; accept and disburse funds; make recommendations to local governments regarding potential regulations, programs, and incentives; pay necessary expenses; and choose a fiduciary agent.

Local authority is preserved in the management board provisions. The management board may not exercise authority over land or water within individual counties or otherwise preempt local

government authority. In addition, the management board provisions do not preclude participating counties and tribes from continuing individual Hood Canal rehabilitation efforts and activities or from entering into interlocal agreements.

Legislative findings identify the substantial environmental, cultural, economic, recreational, and aesthetic importance of Hood Canal. Legislative findings also specify concerns regarding Hood Canal's low dissolved oxygen concentrations and identify numerous research, monitoring, and study efforts that are occurring with respect to this condition. Legislative findings also recognize a need for the state to take action to address and resolve Hood Canal's low dissolved oxygen concentrations. Legislative intent is specified to establish a rehabilitation program for Hood Canal and to create a program manager to coordinate and administer this program and funding.

The Hood Canal management program and management board provisions are codified in the new statutory chapter created in the ARZ legislation [HB 2081].

Appropriation: None.

Fiscal Note: Requested on 2/17/2005.

Effective Date: The bill contains an emergency clause and takes effect immediately.